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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,179	12/20/2006	Simon Wilson	894A.0016.U1(US)	2125
29683 7590 04/12/2010 HARRINGTON & SMITH 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER SHEN, QUN	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 04/12/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,179

Applicant(s)

WILSON, SIMON

Examiner

QUN SHEN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-11,13-23 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-11,13-23 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The communication is a First Action non-Final on the merits (RCE). Claims 1-2, 6-11, 13-23, 27-32 are currently pending and have been considered below.

Priority

Applicant's foreign priority claim for the benefits of 0330100.9 filed on December 29, 2003 on the basis of 371 PCT /EP2004/014745 filed on December 23, 2004, is acknowledged. However, no certified copy of foreign filing has been received.

Drawings

1. The drawings are objected to under 37 CFR 1.84(h)(5) because Figures 1a and 1b show(s) modified forms of construction in the same view.

Furthermore, Figures 1a and 1b do not have good enough quality to show the limitations newly amended on February 25, 2010 in claims 1, 13, and 23.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- Determining the scope and contents of the prior art;
- Ascertaining the differences between the prior art and the claims in issue;
- Resolving the level of ordinary skill in the pertinent art; and
- Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

1. Claims 1-2, 6-11, 13-16, 20-23, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,330,430 B1, Jensfelt (hereinafter Jensfelt), in view of US 5,839,058, Philips et al. (hereinafter Philips).

Referring claim 1, Jensfelt discloses a user-replaceable cover for an electronic device (Figs 1-3, the cover can be replaced by a user) comprising:

a first portion configured for user attachment to and user detachment from a front portion of the electronic device (Figs 1-4, showing that certain portion of the case would cover the front portion of a cell phone);

a second portion, adjacent to the first portion, comprising one or more predetermined fold lines (Figs 1-4, showing one or more predetermined fold lines);

a third portion, adjacent to the second portion, configured for user attachment to and user detachment from a back portion of the device (Figs 1-4, showing certain portion of the case would cover the back of the cell phone),

wherein the user-replaceable cover is formed from a sheet of material dimensioned to at least partially cover the electronic device (Figs 1-3, column 2, lines 24-33), wherein the sheet is configured to have a substantially flat configuration (Fig 4) and a folded configuration and be bendable (Figs 1-3, column 2, lines 24-33) and the sheet wants to return to the flat configuration were the sheet not held in the folded configuration by the electronic device (Fig 4, after unwrapping the cover from the device). Jensfelt does not expressly indicate the bending is along the one or more predetermined fold lines into the folded configuration to cover the electronic device, the sheet being configured such

that when folded along the one or more predetermined fold lines. However, Jensfelt suggests that the size of the cover can be adjusted according to the size of the mobile terminal (col 2, lines 18-41) and the folding lines can therefore be adjusted or predetermined accordingly as well. Nevertheless, Philips teaches a user-replaceable cover including at least first portion, second portion and third portion covering front and back option of the mobile phone with folding lines, where the bending is along the one or more predetermined fold lines into the folded configuration to cover the electronic device (Philips: Fig 1, col 5, lines 36-61, col 6, lines 6-41).

Therefore, consider both Jensfelt and Philips's teachings as a whole, it would have been obvious to one of skill in the art at the time of invention to combine Jensfelt and Philips's replaceable cover by incorporating Philips's teachings described above to provide a flexible, multipurpose cover for the protection of an electronic device such as a mobile terminal.

Referring claim 2, Jensfelt as modified discloses a user-replaceable cover according to claim 1, wherein the user-replaceable cover is configured to be user bendable onto an electronic device (Jensfelt: Figs 1-3, Philips: Fig 1, also see analysis of claim 1).

3-5. (Cancelled)

Referring claims 6 - 9, Jensfelt as modified discloses a user-replaceable cover according to claim 1, wherein the sheet of material is formed from a metal, metal and/or plastic (Jensfelt: column 3, line 51, plastic, Philips: col 5, lines 44-48, plastic or

aluminum), and configured to allow it to be bendable back on itself (Jensfelt: Figs 1-3, Philips: Fig 1, see analysis of claim 1).

Referring claims 10-11, 13, and 15 Jensfelt as modified discloses a user-replaceable cover according to claim 1, wherein the sheet of material is dimensioned to bridge one or more lateral edges of an electronic device, to cover a front and/or rear surface of the electronic device (Jensfelt: Figs 1-3), and the sheet of material comprises a holding arrangement to facilitate the holding of the user- replaceable cover on the device in the folded configuration, and is configurable to be foldable in half (at least see Jensfelt: Fig 1-4, column 2, lines 18-42, also Philips: Fig 1, folding in half to cover both front and back portion of the phone).

Referring claims 14 and 16, Jensfelt as modified discloses a user-replaceable cover according to claim 1, wherein the sheet of material is printed on the inner folded surface of the user-replaceable cover and to provide user readable indicia (Philips: Fig 1, col 6, line 68 – col 7, line 4).

Referring claim 22, Jensfelt as modified discloses a method of distributing a user-replaceable cover according to claim 1, the method comprising providing the user-replaceable cover in an unfolded configuration, and distributing the cover along with a printed publication (Philips: Fig 1).

Referring claim 20, Jensfelt as modified discloses a user-replaceable cover according to claim 1, does not expressly disclose configured to provide a reeled configuration for facilitating transport, storage, and/or packaging of the user-replaceable cover but suggest using the cover for storage while not using to enclose a mobile terminal (Jensfelt: col 4, lines 28-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to consider Jensfelt's suggestion and have a reeled configure for facilitating transport, storage, and/or packaging of the cover for the benefit of additional features.

Referring claim 21, Jensfelt as modified discloses a user-replaceable cover according to claim 1, dimensioned and configured to cover a mobile phone (Jensfelt: Fig 1, col 1, line 38-39).

Referring claim 23, claim 23 recites an electronic device configured to receive a user-replaceable electronic device cover recited in claim 1. The rejection of claim 1 is therefore incorporated herein (see analysis and rejection above).

Referring claim 31, claim 31 is a method claim that is encompassed and necessitated by device claim 1. It is therefore rejected with the same reason set forth in claim 1.

Claims 17-19, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensfelt, in view of Philips, and further in view of US 2003/0036362 A1, Buessler et al. (hereinafter Buessler).

Referring claims 17-19, Jensfelt as modified discloses a user-replaceable cover but does not expressly disclose wherein the sheet of material comprises one or more actuators to engage with a covered user interface of an electronic device, wherein the one or more actuators have sufficient flexibility to allow movement of the actuators in/out of the plane of the sheet and the one or more actuators are raised domes. Buessler teaches an interchangeable cover including "dumb buttons that enable corresponding buttons built into the mobile phone (e.g. membrane switches 61 shown in Fig 7A) to be actuated via a user pressing on the dumb buttons (Buessler: Fig 7A, pars [0006], [0029-0030]). Consider both Jensfelt as modified and Buessler's teachings as a whole, it would have been obvious to one of skill in the art at the time of invention to combine both teachings described above by incorporating dumb buttons and actuation by user for more convenient and flexible mobile phone operations with an interchangeable cover.

Referring claim 27, Jensfelt as modified discloses a user-replaceable cover according to claim 9, wherein the sheet is configured to define a U- shape when in a folded configuration (Buessler: abstract, par 0005).

Referring claim 28, Jensfelt as modified discloses the user-replaceable cover according to claim 1, wherein the user-replaceable cover comprises a user-releasable adhesive to allow the user-replaceable cover to be releasably held to the device as a cover

(Jensfelt: col 4, lines 1-14).

2. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensfelt, in view of Philips, and further in view of Buesseler and US 2003/0134613 A1, Latto et al. (hereinafter Latto).

As to claim 29, Jensfelt as modified discloses the device according to claim 23, but does not expressly disclose the device is configured to engage with apertures in the sheet to hold the user-replaceable cover over the device in the folded configuration. Latto, however, suggests that the device may incorporate a plurality of apertures to allow the operational control of a cell phone unobstructed (by the cover) (Latto: Fig 3, par [0023]). Therefore, consider Jensfelt as modified and Latto's teachings as a whole, it would have been obvious to one of skill in the art at the time of invention to combine Jensfelt as modified's cover by incorporating Latto's teachings on apertures on the phone cover to prevent the cover from obstructing control operations of the device.

3. Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensfelt, in view of Philips, and further in view of Buesseler and US 2002/0104769 A1, Kim et al. (hereinafter Kim).

Referring claim 30 according to claim 23, Jensfelt as modified discloses the device according to claim 23, but does not expressly disclose wherein the device is configured to comprise grooves to hold the user-replaceable cover over the device in the folded

configuration. Kim, however, teaches that sliding grooves may be provided to hold the cover (Kim: Fig 6, pars [0042], [0134]). Therefore, consider Jensfelt as modified and Kim's teachings as a whole, it would have been obvious to one of skill in the art at the time of invention to modify Jensfelt as modified's cover by incorporating Kim's teachings on grooves for holding the cover over the device and sliding the cover through the grooves.

Referring 32, Jensfelt as modified discloses the device of claim 30, wherein the thicknesses of the first and third portions of the user-replaceable cover are configured to allow the cover to be held in the grooves of the device (Kim par [0042], implying the thicknesses of the first and third portions of the user-replaceable cover are configured to allow the cover to be held in the grooves of the device).

Response to Argument

The applicant's arguments filed on February 25, 2010 are considered but moot in view of new ground of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUN SHEN whose telephone number is (571)270-7927. The examiner can normally be reached on Monday through Thursday, 9:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis West can be reached on 571-272-7859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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